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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/269,037	06/07/1999	JOACHIM WIETZKE	10191/994	9313
26646	7590	04/28/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			SELLERS, DANIEL R	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/269,037	WIETZKE ET AL.
	Examiner	Art Unit
	Daniel R. Sellers	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 February 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 11,13-21 and 23-37 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 11,13-21 and 23-37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 June 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5 **Claims 11, 13-19, 21, and 23-37** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Divon.

Regarding **claim 11**, Divon teaches a method for storing and playing back a message via an electrical device (abstract), comprising the step of removably receiving the chip card from a user by the record/read unit (Col. 1, lines 37-40), inputting 10 acoustically the message via a radio receiver (Col. 1, lines 49-53), digitizing the inputted message via a voice digitization module of the electrical device (Col. 11, lines 33-37 and Col. 11, line 61 – Col. 12, line 3), buffering the digitized message until the chip card is received (Col. 6, lines 20-32, Col. 7, line 65 – Col. 8, line 13, and Col. 12, lines 6-10 and lines 21-40), storing the digitized message in the chip card (Col. 2, lines 3-10 and lines 15 55-57), and outputting from the memory of the card chip the stored message upon request (Col. 2, line 65 – Col. 3, line 6), wherein the device used is an automobile radio device (Fig. 7 and 8b).

Divon teaches an audio system for use in an automobile that allows storing audio data that has been received by a radio tuner and digitized by the car stereo deck. Divon 20 teaches digitized data stored on a chip card, or a PCMCIA card, and further teaches that the user can browse the information stored on the card for selecting a stored message for playback. Divon specifically teaches the radio data service (RDS) with the

embodiment incorporating the PCMCIA chip card, however the reference as a whole teaches the recording of radio signals to the fixed memory, such as the storage unit taught by Divon (Col. 12, lines 6-10).

Regarding **claim 13**, the further limitation of claim 11, Divon teaches acoustically
5 outputting the message (abstract).

Regarding **claim 14**, the further limitation of claim 11, Divon teaches outputting data via a display (Col. 2, lines 58-62).

Regarding **claim 15**, the further limitation of claim 11, Divon teaches playing back the message via the device (Col. 1, lines 40-43).

10 Regarding **claim 16**, the further limitation of claim 11, Divon teaches playing back the message via a second device, or a personal computer (Col. 1, lines 43-46).

Regarding **claim 17**, the further limitation of claim 11, Divon implicitly teaches playing back the message via a display (see the preceding argument with respect to claim 14).

15 Regarding **claim 18**, the further limitation of claim 11, Divon teaches playing back the message via a voice output (Col. 1, lines 54-57).

Regarding **claim 19**, the further limitation of claim 11, it is inherently taught that the message length would depend on the memory capacity of the chip card, because the PCMCIA card is manufactured with a specific memory storage space, or capacity.

20 Regarding **claim 21**, see the preceding argument with respect to claim 11. Divon teaches an automobile radio device with these features (Fig. 7, units 12, 200, 302, Fig. 8b, and the preceding argument with respect to claim 11).

Regarding **claim 23**, the further limitation of claim 21, Divon teaches a microphone input, a radio receiver, and a cassette deck (Fig. 2a, units 50, 52, 54 ,56, 58, and 62, Fig. 7, unit 12, and Col. 12, lines 6-10).

Regarding **claim 24**, the further limitation of claim 21, see the preceding
5 argument with respect to claim 13. Divon teaches these features.

Regarding **claim 25**, the further limitation of claim 21, see the preceding argument with respect to claim 14. Divon teaches these features.

Regarding **claim 26**, the further limitation of claim 21, see the preceding argument with respect to claim 23, Divon teaches multiple input devices.

10 Regarding **claim 27**, the further limitation of claim 26, see the preceding argument with respect to claim 23. Divon teaches these multiple input devices.

Regarding **claim 28**, see the preceding argument with respect to claim 11, 14, and 17. Divon implicitly teaches these features in an automobile radio device.

15 Regarding **claim 29**, the further limitation of claim 28, see the preceding argument with respect to claim 11 and 23. Divon teaches multiple inputs (Col. 1, lines 49-53, Fig. 2a, units 50, and 58, and Fig. 7, unit 12).

Regarding **claim 30**, the further limitation of claim 29, see the preceding argument with respect to claim 23. Divon teaches these features.

20 Regarding **claim 31**, see the preceding argument with respect to claim 11. Divon teaches a method with these features.

Regarding **claim 32**, the further limitation of claim 31, see the preceding argument with respect to claim 29. It is inherent that a selected input device from one of a plurality of devices.

Regarding **claim 33**, the further limitation of claim 32, see the preceding 5 argument with respect to claim 23. Divon teaches these features.

Regarding **claim 34**, the further limitation of claim 21, see the preceding argument with respect to claim 11. Divon teaches an automobile radio device, which is inherently mounted in an automobile.

Regarding **claim 35**, the further limitation of claim 11, see the preceding 10 argument with respect to claim 11. Divon teaches that the voice digitization module is an integral part of the radio device (Col. 11, lines 61-65).

Regarding **claim 36**, the further limitation of claim 21, see the preceding argument with respect to claim 35. Divon teaches these features.

Regarding **claim 37**, the further limitation of claim 31, see the preceding 15 argument with respect to claim 35. Divon teaches these features.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

20 **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Divon.

Regarding **claim 20**, the further limitation of claim 11, see the preceding argument with respect to claim 11. Divon teaches that a computer can be used as a

second device for playback and recording. It is well known that computers can query memory devices for their storage capacities, remaining storage capacity, and used storage capacity. It would have been obvious for one of ordinary skill in the art to include a free memory display in the device of Divon for the purpose of saving the user

5 an added step of querying the removable device for its usage statistics.

Response to Arguments

Applicant's arguments filed February 9, 2006 have been fully considered but they are not persuasive. Regarding the independent **claims 11, 21, 28, and 31**, see the preceding arguments above under 35 USC 102. Divon teaches a system which records

10 data to an internal memory (Col. 12, lines 6-10 and 30-35). It is inherent that the memory (56) acts as a buffer when transferring the data to a separate computer (Col. 12, lines 36-40).

Regarding the dependent **claims 13-20, 23-27, 29, 30, and 32-37**, see the preceding arguments above with regard to the independent claims and under 35 USC

15 102 and 103. Divon teaches buffering.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

20 MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5 The applicant is reminded that Technology Center 2600 has undergone restructuring as of March 19, 2006. Any **further communication** regarding this application should **indicate the new Art Unit 2615** (old art unit 2644).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-
10 7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
15 Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic
20 Business Center (EBC) at 866-217-9197 (toll-free).



SINH TRAN
SUPERVISORY PATENT EXAMINER

DRS